

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------|---|-------------------------------|
| MUWSA GREEN, |) | |
| Plaintiff |) | |
| |) | |
| |) | |
| v. |) | Civil Action No. 2: 15-cv-155 |
| |) | |
| BRIAN A. COLEMAN, et al., |) | Senior District Court Judge |
| Defendants |) | Terrence F. McVerry |
| |) | |
| |) | |
| |) | |

MEMORANDUM ORDER

Pending before the Court is DEFENDANTS’ MOTION TO DISMISS COMPLAINT (ECF No. 53). The matter was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation (“R&R”) on August 18, 2016 (ECF No. 61), in which she recommended that the Motion to Dismiss filed by Defendants be granted in part and denied in part. To wit, the Magistrate Judge recommended that the motion should be granted as to Plaintiff’s due process claims against Defendants Cross, Debra Hawkinberry, Lt. Hawkinberry, Buzas, Parker, Ivey, and Harbough; and denied as to (i) Plaintiff’s claims of retaliation against Defendants Buzas, Linderman, Beveridge, Burton, Wentzel, Parker, Ivey, Harbough, and Cross; and (ii) Plaintiff’s supervisory claims against Defendant Coleman.

Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation on August 29, 2016 (ECF No. 62), and a motion for leave to file a supplemental objection to the R&R on

September 1, 2016 (ECF No. 63). The Court hereby **GRANTS** Plaintiff's motion and will construe the argumentation set forth in the filing as Plaintiff's "supplemental objection."

After *de novo* review of the Complaint and the Defendant's Motion to Dismiss, together with the R&R and Plaintiff's objection and supplemental objection thereto, the Court finds that the Magistrate Judge properly analyzed each of Plaintiff's claims, and none of Plaintiff's objections have any merit. Accordingly, the following order is entered:

AND NOW, this 29th day of September, 2016:

IT IS ORDERED that DEFENDANTS' MOTION TO DISMISS COMPLAINT (ECF No. 53) is GRANTED IN PART and DENIED IN PART as set forth in the Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation filed August 18, 2016, is adopted as the opinion of the Court.

BY THE COURT

s/ Terrence F. Mcverry
Senior District Court Judge

cc: MUWSA GREEN
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